

4. Venue is properly laid in this judicial district because the events giving rise to Plaintiff's claim occurred in this judicial district.

FACTUAL ALLEGATIONS

5. At all times material hereto, Plaintiff owned and operated a commercial bakery in Hazelton, Pennsylvania ("Subject Facility").

6. At all times material hereto, Defendant was engaged in the business, *inter alia*, of performing platform and catwalk fabrication.

7. On March 19 and March 20, 2016, Defendant performed work at the Subject Facility.

8. Defendant installed a metal catwalk over food production lines at the Subject Facility.

9. During the course of its work at the Subject Facility, Defendant generated metal chips.

10. The metal chips generated by Defendant fell onto the food production lines beneath Defendant's work area.

11. The metal chips generated by Defendant contaminated food product at the Subject Facility, forcing Aryzta to withdraw that food product from the market.

12. The metal chips generated by Defendant contaminated the Subject Facility, interrupting Aryzta's business operation at the Subject Facility and forcing Aryzta to incur additional expenses.

13. The damage caused by Defendant's contamination of the Subject Facility totaled \$647,556.00.

COUNT I – NEGLIGENCE

14. Plaintiff incorporates the paragraphs preceding Count I as if fully set forth herein.

15. Defendant had a duty to use due care while performing work at the Subject Facility.

16. Defendant breached its duty to use due care while performing work at the Subject Facility.

17. The contamination of the Subject Facility and resulting damage were the direct and proximate result of the negligence, carelessness, recklessness, and/or negligent acts and omissions of Defendant and/or Defendant's agents and/or employees acting within the scope of their employment, as follows:

- A. Performing work in a way that contaminated food product;
- B. Performing work in a way that contaminated food production lines;
- C. Failing to adequately protect food product and food production equipment in the Subject Facility from metal chips;
- D. Allowing metal chips to contaminate food product and food processing equipment;
- E. Failing to follow Defendant's own "Good Manufacturing Practices;" and
- F. Performing work at the Subject Facility in an unsafe manner.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$647,556.00, along with interest, the costs of this action, and such other relief as deemed just and proper under the law.

COUNT II – BREACH OF CONTRACT

18. Plaintiff incorporates the paragraphs preceding Count II as if fully set forth herein.

19. On information and belief, Defendant had a contract with Arysza for Defendant's work at the Subject Property.

20. On information and belief, Defendant's contract required Defendant to follow its own "Good Manufacturing Practices" while performing work at the Subject Facility.

21. Defendant breached its obligation to follow its own "Good Manufacturing Practices" while performing work at the Subject Facility.

22. Defendant's breach of contract caused the contamination of the Subject Facility and resulting damage.

23. As a result of Defendant's breach of contract, Plaintiff suffered damage.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$647,556.00, along with interest, the costs of this action, and such other relief as deemed just and proper under the law.

Date: December 20, 2017

Respectfully submitted,

Cozen O'Connor

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